

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 202105975	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/24/2021 4:13 PM	Location of Incident: southwest corner of 12th Avenue and West 34th Street	Precinct: 10	18 Mo. SOL 3/24/2023	EO SOL 3/24/2023	
Date/Time CV Reported Fri, 09/24/2021 9:01 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/05/2021 10:46 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Ravi Singh	00000	949670	ITSD

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Marian Bencea	22482	957375	010 PCT
2. PO Andre Michel	14401	949956	010 PCT
3. PO Ricardo Roman	04023	954291	010 PCT
4. PO John Sweeney	09995	961341	010 PCT
5. PO Brendan McGovern	08869	970692	010 PCT
6. Brian Melendez		964162	010 PCT
7. PO Brendan Swayne	20172	962824	010 PCT
8. PO Christian Ponce	23967	970096	010 PCT
9. PO Amar Bhairam	01211	948668	010 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Ravi Singh	Force: Lieutenant Ravi Singh used his asp against § 87(2)(b)	

### Case Summary

On September 24, 2021, this complaint was filed by Lt. Ravi Singh of the 10<sup>th</sup> Precinct with IAB via telephone on behalf of § 87(2)(b).

On September 24, 2021, at approximately 4:13 p.m., Lt. Singh assisted in the arrest of § 87(2)(b) at the southwest corner of 12<sup>th</sup> Avenue and West 34<sup>th</sup> Street in Manhattan after she committed several attempted robberies and assaults. During that arrest, Lt. Singh placed his asp on the back of § 87(2)(b) neck (**Allegation A: Force, § 87(2)(g)**).

§ 87(2)(b) was arrested for robbery in the third degree (two counts), assault in the second degree resulting in serious injury with a weapon, criminal mischief in the third degree for property valued above \$250, assault with intent to cause physical injury, assault in the second degree causing injury to a social service employee, resisting arrest, and obstructing governmental administration in the second degree by PO John Sweeney of the 10<sup>th</sup> Precinct as reflected in arrests § 87(2)(b).

Video evidence was provided by the NYPD's Legal Bureau from the body-worn cameras (BWC) assigned to 10<sup>th</sup> Precinct officers PO Sweeney, PO Brendan McGovern, PO Brian Melendez, PO Brendan Swayne, PO Ricardo Roman, Lt. Singh, PO Marian Bencea, PO Andre Michel, PO Christian Ponce, and PO Amar Bhairam (BR 02).

### Findings and Recommendations

#### **Allegation A – Force: Lieutenant Ravi Singh used his asp against § 87(2)(b)**

Footage from Lt. Singh's BWC addresses this allegation (BR 02). The durational timestamp will be referenced. At 0:30, Lt. Singh exits a police vehicle on the West Side Highway and runs after § 87(2)(b) who is being chased by two civilians, on a bike path of the West Side Highway. § 87(2)(b) is holding a scooter belonging to one of the other civilians. All three civilians are in a physical struggle. At 0:55, Lt. Singh catches up with them and places his right hand on § 87(2)(b) left shoulder as the two other civilians appear to continue grappling with § 87(2)(b). § 87(2)(b) moves away from Lt. Singh. Lt. Singh falls backward, stands back up, and orders § 87(2)(b) to get down multiple times. He grabs the front of § 87(2)(b) shirt. At 1:06, § 87(2)(b) breaks out of her shirt and runs into oncoming traffic and across all lanes of the West Side Highway as Lt. Singh and PO Roman chase her. At 1:40, Lt. Singh orders PO Roman to tase § 87(2)(b) and a taser cycle is heard but it is not clear if the prongs hit § 87(2)(b). She runs to the passenger side of the police vehicle, chased by PO Roman and another civilian in motorcyclist gear. Lt. Singh secures the vehicle's keys from inside. § 87(2)(b) is depicted briefly opening the passenger door as PO Roman and the civilian appear to grapple with her. Lt. Singh comes around to the passenger side of the vehicle and extends his asp in his right hand. PO Roman and the civilian are holding § 87(2)(b) who is lying on the ground on her front and side. At 1:57, Lt. Singh appears to poke § 87(2)(b) in her lower back with his asp. A taser cycle is heard. At 2:00, Lt. Singh kneels by § 87(2)(b) head. His right hand is depicted fully grasping the handle of his asp. The asp is on the back of § 87(2)(b) neck, with the handle at her left shoulder. The full extension and tip of the asp and Lt. Singh's left hand are not depicted. At 2:03, Lt. Singh's left hand is briefly depicted. It appears to be holding the other end of the asp as his right hand remains grasping the handle. It appears that Lt. Singh is holding the asp with both hands as he holds it against the back of § 87(2)(b) neck, but this is not clearly depicted due to the camera angle. Officers order § 87(2)(b) multiple times to place her hands behind her back. She appears to be writing her body around on the ground. At 2:09, Lt. Singh's right hand moves to § 87(2)(b) right wrist. He appears to continue holding the tip of the asp with his left hand off-screen as the asp remains resting on the back of § 87(2)(b) neck with the handle rising slightly. This is the only time Lt. Singh's right hand is seen making direct contact with § 87(2)(b) body as he holds his asp. His right hand never appears to grasp her torso

or upper body during that time. At 2:10, Lt. Singh moves his right hand back on the handle of his asp, bringing it downward causing the asp to make more forceful contact with the back of § 87(2)(b) and be more horizontal. His left hand and tip of the asp is still not depicted. At 2:17, Lt. Singh moves his asp onto § 87(2)(b) upper back, near her right shoulder blade, still grasping the handle in his right hand with the other end of the asp and his left hand off-screen. At 2:20, his right hand moves briefly again to § 87(2)(b) right wrist as he assists in bringing it behind her back. The asp remains on her upper back. At 2:21, Lt. Singh grips the asp's handle again with his right hand. At 2:23, Lt. Singh appears to stand up and the tip of the asp is depicted. Lt. Singh's left hand is not depicted. The camera then becomes fully obstructed as officers handcuff § 87(2)(b). § 87(2)(b) was unavailable for contact by the investigation. No civilian testimony was obtained.

Lt. Singh's testimony was consistent with the above-referenced footage with the following additions and exceptions (BR 03). Prior to his arrival on scene, he had heard over the radio about an individual matching § 87(2)(b) appearance, and later confirmed by the crime victims that she was the perpetrator, committing several crimes including attempting to rob an individual of their scooter, hitting another individual with a stick, and an additional attempted robbery. While canvassing the area in a vehicle, Lt. Singh, and his operator, PO Roman, found the third victim, a motorcyclist, on the West Side Highway with his motorcycle on its side in the street. The motorcyclist agreed to canvas with them until they spotted § 87(2)(b) on a bench near the incident location. § 87(2)(b) saw the vehicle from about 20 feet away as officers pulled up. She began running north and attacked another male scooterist, striking him multiple times with closed fists and attempting to grab the scooter from him. The scooterist also punched § 87(2)(b) back as they grappled with the scooter. Following the chase across the West Side Highway and securing the keys in the police vehicle, he readied himself to strike § 87(2)(b) with his asp to gain compliance but did not do so due to the close proximity of PO Roman and the motorcyclist. This was the only time that Lt. Singh had an intention to use his asp directly against § 87(2)(b). Lt. Singh never used his asp to strike her and did not recall poking her with it. PO Roman was on the right side of § 87(2)(b) with the motorcyclist on the left side so Lt. Singh knelt by § 87(2)(b) head to assist. He could not put his asp away in case he needed to use it during apprehension, so he kept it in his right hand. Lt. Singh's first physical interaction with § 87(2)(b) at this point was to grab her left hand and pull it behind her back. She moved her arms and body which made it difficult to control and it took Lt. Singh approximately five seconds to be able to get a grasp on her left arm and pull it behind her back. Lt. Singh's asp was in his right hand, so he was using his left hand to grab her arm. His right hand, with the asp, was on the upper portion of § 87(2)(b) body, in the general area of the back of her lower head and right shoulder. His right hand was moving around slightly in that area of her body as she writhed, and he attempted to grasp her better. He had no intended location on her body he wanted to grab. He placed his right hand on her upper body to hold § 87(2)(b) down to prevent her from getting up. The asp came into contact with § 87(2)(b) as he grasped her which was incidental as he used his right hand to grab the asp and her body. Lt. Singh never used his left hand to also grasp his asp. Since Lt. Singh's right hand was near § 87(2)(b) neck, he was not sure if the asp made incidental contact with her neck. Lt. Singh never pressed downward on her neck with his asp. He never pressed downward on § 87(2)(b) upper back with his asp. His hand only was there to prevent her from raising up and he never had to push downward with any force to do so. Lt. Singh and PO Roman were able to overcome § 87(2)(b) resistance and they handcuffed her. When presented the above-referenced footage, Lt. Singh believed the events to be consistent with his testimony. He was unsure if he made contact with § 87(2)(b) and his asp when he initially approached and appeared to poke her lower back. Lt. Singh denied holding the asp with two hands at any point after kneeling by § 87(2)(b) head. His left hand, off-screen, attempted to bring § 87(2)(b) left arm behind her back. He never pressed the asp against her with any force. His hand on the asp was positioned to prevent her from raising her body and did not require any sort of downward pressure. At 2:10, Lt. Singh explained that his grasp on the asp loosened so he moved

his left hand to hold the asp as he moved his right hand to grab § 87(2)(b) arm. His left hand off-screen is otherwise continuously grabbing or attempting to grab § 87(2)(b) left arm.

Lt. Singh prepared Threat, Resistance, and Injury report #§ 87(2)(b) regarding his use of force against § 87(2)(b) (BR 04). He recorded that he performed a forcible takedown and wrestled/grappled with § 87(2)(b) to overcome her resistance and aggression, prevent her from fleeing, and to defend members of the public, himself, and other officers. No use of his asp was reported. Capt. Robert Fisher of Midtown North found no use of excessive force by Lt. Singh after reviewing BWC footage.

Lt. Singh's use of force was investigated by Sgt. Nicholas Colavito of Group 54 of IAB in case § 87(2)(b) (BR 05). After reviewing BWC footage, he found that Lt. Singh did not use excessive force and put his asp on the back of § 87(2)(b) neck and back to restrict her movements.

When evaluating an officer's use of force, and in a determination of reasonableness of that force, multiple factors are considered including the nature and severity of the crime/circumstances, actions taken by the subject and the duration of those actions, immediacy of the perceived threat or harm to any party, whether the subject is actively resisting custody, where the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of members of the service (MOS), physical condition and age of the subject in comparison to the MOS, presence of hostile crowd or agitators, and any stimulant or narcotic use that may affect pain tolerance or the likelihood of violence NYPD Patrol Guide Procedure 221-01 (BR 06).

Lt. Singh's testimony is at least partially contradicted by the video evidence. His right hand does not appear to be grasping both § 87(2)(b) and his asp, but fully holds the handle of the asp through much of his restraint of her on the ground. The investigation cannot determine the exact placement of Lt. Singh's left hand throughout the footage. It is evident that § 87(2)(b) committed several attempted robberies, at least two with violence, and is actively resisting and fleeing from Lt. Singh's and PO Roman's attempts to handcuff her. § 87(2)(g)

However, the way Lt. Singh places his asp upon the back of her neck is dangerous. At that point, § 87(2)(b) is already on the ground and though resisting, she was being restrained and surrounded by several officers.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 08).
- Lt. Singh has been a member-of-service for 13 years and has been a subject in four other CCRB complaints and 13 other allegations, of which two were substantiated (see officer history):
  - 202001145 involved substantiated allegations of discourteous language. The Board recommended Command Discipline B, which the NYPD imposed.
  - § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of December 27, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (BR 08).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad: 11

Investigator: Benjamin Shelton SI Benjamin Shelton 08/01/2022  
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 08/01/2022  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date